

REMARKS

Applicant(s) and applicant's attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on April 13, 2005. The claim amendments made by this paper are consistent with the proposals discussed during the interview. By this paper, claims 1, 2, 4-12, 15-17, 22, and 26 have been amended and claims 3 and 19 cancelled. Accordingly, claims 1, 2, 4-18, and 20-33 are pending, of which method claims 1, 11, 22, and 26 are the independent claims at issue.¹

As described during the interview, the pending claims are directed to embodiments for resolving recording conflicts between coinciding programming. As defined in independent method claim 1, an embodiment of the invention includes receiving user input selecting a first program having a first broadcast time and a second program having a second broadcast time for recording, wherein the second broadcast time at least partially coincides with the first broadcast time. The method further comprises determining that a conflict exists between the first program and second program and storing information specifying that the user has selected both the first and second program to be recorded. The method also includes automatically selecting the first program for recording in accordance with priority rules and programming the recording apparatus to schedule recording of the first program at the first broadcast time. Subsequent to programming the recording apparatus, the method then includes continuing to store the information specifying that the user has selected both the first program and the second program to be recorded, wherein the continued storage preserves the possibility of resolving the conflict at a later time.^{2 3 4}

¹ Claim 16 (previously an independent claim) has been amended to depend from claim 1.

² The currently presented claim 1 differs from the claim 1 presented in the interview in that the current presented claim 1 was further amended to better clarify the invention. Additional language comprises subsequently continuing to store the information specifying that both the first and second programs were selected for recording.

³ Support for automatically selecting the first program for recording in accordance with priority rules can be found, for example, at page 17, line 3 – page 20, line 7. Support for continuing to store, at the system, the information specifying that the user has selected both the first program and the second program to be recorded can be found, for example, in cancelled claim 3 (an originally filed claim). Support for preserving the possibility of resolving the conflict at a later time can be found, for example, at page 6, lines 22-23.

⁴ Claim 4, which depends from claim 1, further includes automatically reevaluating the conflict based on the stored information in response to an event that occurs subsequent to programming the recording apparatus to schedule recording of the first program. Support for reevaluating a conflict can be found, for example, at page lines 11-12.

Portions of independent claim 26 are defined similarly to corresponding portions of independent claim 1. For example, claim 11 comprises storing information specifying that a user has selected a second program for recording so as to preserve the possibility of resolving a conflict at a later time.⁵ Further the method includes determining that the conflict has been resolved in response to subsequent reevaluation of the conflict between the first program and the second program, based on the stored information.⁶ The method then includes programming the recording apparatus to schedule recording of the second program and recording the second program.

As defined in independent claim 11, an embodiment of the invention includes receiving input selecting a first program having a first broadcast time and a showing of a second program having a second broadcast time, wherein the second broadcast time at least partially coincides with the first broadcast time. The method further comprises determining that the second program also has another showing at another broadcast time that does not coincide with the first broadcast time. The method then includes scheduling the first program for recording at the first broadcast time and the second program for recording at the other broadcast time such that any conflict in recording both the first and second programs is resolved.^{7 8}

As defined in independent claim 22, an embodiment of the invention includes receiving input selecting a first program, having a first broadcast time for recording. The method further includes receiving input selecting a second program for recording, wherein the second program has an expected second broadcast time having an expected start time and an expected end time. The method then comprises monitoring broadcast data on a channel on which the second

⁵Further, and also similar to claim 1, independent claim 26 comprises receiving user input selecting a first program having a first broadcast time and a second program having a second broadcast time for recording, wherein the second broadcast time at least partially coincides with the first broadcast time. Additionally, the method includes determining that a conflict exists between the first program and second program such that the second program is not to be recorded unless the conflict is resolved.

⁶Support for reevaluating a conflict can be found, for example, at page 10, lines 11-12.

⁷Support for scheduling recording of the second program can be found, for example, at page 24, lines 13-16.

⁸ In a search for related applications, applicant's attorney identified U.S Application Ser. No. 10/918,847, filed 08/13/2004. We have yet to receive any official communication related to U.S Application Ser. No. 10/918,847. Further, all references disclosed in U.S Application Ser. No. 10/918,847 are already of record in the present application. If additional references are identified for U.S. Application Ser. No. 10/918,847 during the pendency of this application, we will submit those references in a supplemental information disclosure statement. Additionally, while we have attempted to identify related cases from our records, there is the potential that our client has related cases with other firms of which we are not aware. Accordingly, if other potentially related applications are identified, please let us know and we will file any appropriate information disclosure statements.

program is to be broadcast to determine that at least one of an actual start time and an actual end time differs from the respective expected start time and expected end time. Lastly, the method includes upon determining that at least one of an actual start time and an actual end time differs from the respective expected start time and expected end time, determining whether both the first program and the second program can be recorded and, if so, recording both the first program and the second program using the recording apparatus.

In the office action, claims 1, 11, 22, and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Vallone (U.S. Patent No. 6,642,939)⁹. Vallone is generally directed to a multimedia schedule presentation system that overcomes the limitations of program schedules presented in a grid format. (Col. 1, ll. 50 – 57). Vallone describes a remote control (Figure 14) that can be used to select a program for recording (highlight bar 1710 in Figure 17) and to record an episode of a program (record the episode 1903 in Figure 19). (Col. 15, ll. 32 – Col. 16, ll. 1-33, Col. 18, ll. 43-44). Program schedule conflicts are displayed to a user at a conflict warning screen. (Figure 25, Col. 19, ll. 11 – 15). While Vallone describes some conditions that can cause conflicts to be displayed, Vallone is silent on how displayed conflicts are resolved. (Col 19, lines 12-16). However, it can be inferred from Figure 25 that conflicts are resolved by a user selection in response to the conflict warning screen being displayed.¹⁰

Thus, as pointed out at the interview Vallone does not anticipate or make obvious Applicant's inventive methods for resolving recording conflicts. In particular, Vallone does not anticipate or make obvious (per one or more of the independent claims), storing information to preserve the possibility of resolving a conflict at a later time, automatic selection of a program to schedule for recording based on conflict rules, reevaluating a conflict in response to a subsequent event, automatically scheduling recording of a program at another broadcast time, or monitoring broadcast data on a channel to determine differences between an actual start time and an actual end time and respective expected start time and expected end time.

⁹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

¹⁰ This is consistent with the interpretation of Vallone in the first paragraph of page 11 and the second paragraph of page 13 of the most recent office action.

For at least these reasons, Applicants respectfully submit that the cited art fails to anticipate or make obvious the independent claims. Favorable reconsideration and allowance over the prior art is thus respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 4th day of May, 2005.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
MICHAEL B. DODD
Registration No. 46,437

Attorneys for Applicant
Customer No. 47973

MBD:ds
DS0000003394V001